

II. REMARKS

Claims 6 and 9 have been amended, and new claims 10 and 11 have been added. Specifically, claim 6 has been amended to address a minor informality and not for a reason related to patentability. Claim 6 has also been amended to delete the phrase “in particular a watch strap.” Therefore, the present amendment actually has a broadening effect on the scope of claim 6.

Claim 9 has been amended to delete the phrase “particularly of polyurethane.” Therefore, the present amendment actually has a broadening effect on the scope of claim 9.

New claim 11 depends upon claim 6 and recites “the strands are made of synthetic material comprising polyurethane” as supported by previous claim 9. New claim 12 depends upon claim 6 and recites that “the strap is a watch strap” as supported by previous claim 6.

A. The Rejection

Claims 6-10 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Apothethoz et al. (U.S. Patent 6,960,016 B2, hereafter the “Apothethoz Patent”) in view of Domler (U.S. Patent 2,449,885, hereafter the “Domler Patent”).

Applicant respectfully traverses the rejection and requests reconsideration of the above-captioned application for the following reasons.

B. Applicant’s Arguments

A prima facie case of obviousness requires a showing that the scope and content of the prior art teaches each and every element of the claimed invention, and that the prior art provides some teaching, suggestion or motivation to combine the references to produce the claimed invention. In re Oetiker, 24 U.S.P.Q.2d 1443 (Fed. Cir. 1992); In re Vaeck, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). In this case, the Examiner has not established a prima facie

case of obviousness against the claimed invention because the Apothethoz Patent is not valid prior art.

i. The Apothethoz Patent

The Apothethoz Patent discloses a “wristband or bracelet adjustable in length, in particular a watchband, including an electrical conductor embedded in its thickness” (See Abstract of the Apothethoz Patent). However, the Apothethoz Patent was filed as U.S. Patent Application No. 10/891,526 on July 15, 2004. The above-captioned application is the U.S. National Stage of International Patent Application No. PCT/EP04/07135, filed July 1, 2004.

In view of the above facts, the above-captioned application enjoys a priority date of July 1, 2004, which is earlier than the earliest effective date of the Apothethoz Patent. Therefore, the Apothethoz Patent is not valid prior art against Applicant’s claimed invention. No other comment regarding the Apothethoz Patent is believed to be necessary.

ii. The Domler Patent

The Domler Patent discloses a “strap with inseparable ends” as shown in Figures 1-4. On its face, the Domler Patent does not anticipate, or render obvious, any of Applicant’s claims.

III. CONCLUSION

The Examiner’s rejection under 35 U.S.C. § 103 is plainly untenable and must be withdrawn because the Apothethoz Patent is not valid prior art, and because the Domler Patent by itself is insufficient to establish a prima facie case of obviousness against the claimed invention.

Questions are welcomed by the below-signed attorney for Applicant.

Respectfully submitted,

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